IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.292 OF 2007
IN
COURT RECEIVER'S REPORT NO.120 OF 2006
IN
SUIT NO.543 OF 2000

Subhashrao D. Pawar & Ors. .... Appellants
Vs.
Prafullata Rajan Varhadi & Ors. .... Respondents

Sarvasri R.V. Govilkar i/b Umashankar Upadhyay for the Appellants.

Shri Uday Warunjikar for the Respondent No.1.

Sarvasri S.A. Oka i/b P.G. Lad for the Respondent Nos.2 and 4.

Shri Manoj Kondekar for the Respondent No.3.

Shri K.L. Vyas, Court Receiver, present.

CORAM: R.M.S. KHANDEPARKAR &
D.G. KARNIK, JJ.

DATED: MAY 03, 2007

P.C:

1. Heard. Admit. The respective Advocates appearing on behalf of the respective respondent Nos.1, 2, 3 and 4 waive service. By consent, heard forthwith.

2. By consent, the impugned order is set aside and the matter is remanded to the learned single Judge to reconsider the Court Receiver's report along with the Notices of Motion Nos.3994, 3978, 4002, 4009, 3968,

4012, 3967, 3991, 3979, 3966, 3962, 3965, 4003, 3993, 3974, 3971, 3985, 3982, 4006, 3988, 4013, 3981, 3998, 4017, 3980, 3972, 3976, 3963, 4016, 3964, 3995, 4004, 3990, 3970, 3997, 3973, 4007, 4014, 3969, 3975, 4005, 3961, 3999, 4008, 3984, 3983, 3996, 3977, 3991, 4001, 4000, 4011, 4015, 3987, 3986, 4010 and 3989 of 2006. We make it clear that we have not expressed any opinion on any of the issues sought to be raised in the matter and all the issues are kept open for consideration by the learned single Judge. Liberty to the parties to move before the learned single Judge for expeditious disposal of the matters. The appeal accordingly stands disposed of with the above directions with no order as to costs.

3. As regards the explanation which was sought for from the Court Receiver's office, we find that the order dated 8-9-2006 required the parties to move the Court for necessary order of the Court in relation to the pay orders which were deposited by the parties with the office of the Court Receiver and in those circumstances, we do not find any lapse on the part of the concerned officer who had noted on the application accompanying the pay orders that those pay orders were required to be kept pending for further order by the Court. The notice issued to the office of the Court Receiver is, therefore, discharged. The explanation having accepted, the earlier order dated 17-4-2007 directing inquiry by

the Registrar General and submission of report to the Hon’ble The Chief Justice stands recalled.

(D.G.Karnik, J.) (R.M.S.Khandeparkar, J.)

sjs/M7a292.7